

# EXHIBIT N

**In the Matter Of:**

**UNITED STATES vs STATE OF GEORGIA**

1:16-cv-03088-ELR

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**CELEST NGEVE**

*July 15, 2022*

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1 director -- directors' meetings apart from the GNETS  
2 directors and then Ms. Cleveland and Ms. Stevenson?

3 A Not consistently.

4 Q Okay. In situations where there may be  
5 other participants who are not consistent  
6 participants, what are the sorts of -- who are the  
7 sorts of folks that might show up at those meetings?

8 A The i-Ready coordinator may come because  
9 we all participate. We all utilize i-Ready; so they  
10 may be giving us updates on trends and different  
11 things that are happening with i-Ready, which is a  
12 supplemental curriculum that assists our -- our  
13 students with their -- their educational goals and  
14 things of that nature, so i-Ready.

15 There's -- there's been times also where  
16 there's other -- they may have someone present to us  
17 that are providing, like -- that may tell us about  
18 different therapeutic models and different things  
19 that we can implement within our program, as well as  
20 they have done amazing work with having people from  
21 trauma -- teach us more about trauma-informed care  
22 and just other therapeutic strategies that help  
23 support our students.

24 Q Okay. The i-Ready coordinator that you  
25 mentioned -- who is that -- what company or entity

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1 improvements.

2 Q Mm-hmm. Okay. Where is Rutland Academy  
3 located?

4 A 1250 Oglethorpe Avenue, Athens, Georgia  
5 30606.

6 Q And is that where we are today?

7 A Yes.

8 Q Is the Rutland Academy GNETS program  
9 housed in a single facility?

10 A Yes.

11 Q So you don't have other sites in  
12 individual schools; correct?

13 A Correct.

14 Q And you also don't have other sites that  
15 are stand-alone buildings like the one we're in  
16 right now; correct?

17 A Correct.

18 Q How long has Rutland been housed at the  
19 facility on Oglethorpe Avenue?

20 A Since 2008.

21 Q Was the Oglethorpe facility a new building  
22 when Rutland moved in in 2008?

23 A Yes.

24 Q Was the facility built specifically for  
25 Rutland Academy?

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1 meetings, or if they request it.

2 Q So this flyer provides some summary  
3 information about the Rutland Academy GNETS program?

4 A Correct.

5 Q Am I correct that this is a document that  
6 the Rutland GNETS program provided in response to  
7 the United States subpoena for documents?

8 A Yes.

9 Q What is Rutland's mission statement,  
10 according to this document?

11 A "The mission of Rutland Academy is to  
12 provide a therapeutic and educational environment  
13 that empowers students to be academically,  
14 behaviorally and socially successful through  
15 collaboration with regional school systems, families  
16 and community organizations," as a mission  
17 statement.

18 And the vision statement indicates, "Rutland  
19 Academy is an exemplary student-centered therapeutic  
20 environment that provides a unique blend of  
21 psychological, behavioral, academic and social  
22 services that empower students to make a successful  
23 transition to the least restrictive environment."

24 Q Is the mission statement that appears here  
25 an accurate statement of Rutland Academy's mission?

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1 A Yes.

2 Q So Rutland aims to provide, not just an  
3 educational environment, but a therapeutic  
4 environment for its students?

5 A Yes.

6 Q And it says here that the aim is for the  
7 environment to empower students to be academically,  
8 behaviorally, and socially successful through  
9 collaboration with regional school systems,  
10 families, and community organizations; right?

11 A Correct.

12 Q Are the regional school systems referenced  
13 here the ones that you identified earlier as the 13  
14 school systems that have the ability to refer  
15 students to Rutland Academy?

16 A Yes.

17 Q Does this reference to regional school  
18 systems include any other school systems apart from  
19 those?

20 A No.

21 Q Which community organizations does Rutland  
22 collaborate with to empower students to be  
23 academically, behaviorally, and socially successful?

24 A So for the therapeutic components, we  
25 collaborate with Pathways Transition Systems --

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1 Rutland?

2 A No.

3 Q What is the process for hiring new staff  
4 when an opening is created at Rutland?

5 A They're -- they submit a application, or  
6 they submit their resume. Sometimes they don't  
7 submit their application. Depends on where they  
8 found out about the job. If they found out about it  
9 through Teach Georgia, then they may send the resume  
10 directly to me. Sometimes if they find out it  
11 through the RESA website, it directs them to send it  
12 to me, but it also has the application on the RESA  
13 website. So they can actually go ahead and send  
14 out -- do their application as well as a resume, and  
15 they will send those to me.

16 Once I receive those, I go ahead and schedule  
17 the interview. Once we conduct the interview,  
18 follow up with the references. They also submit  
19 written references, but I also follow up with them  
20 by phone to make sure that I speak with them in  
21 addition to receiving their written references.

22 Once we feel like that might be a -- a  
23 candidate we're interested in going with, we submit  
24 the -- the packet of information to our human  
25 resources to make sure that there's nothing that we

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1 haven't -- just make sure that that candidate would  
2 be appropriate going forward to even extend  
3 potential employment to.

4 Once HR reviews everything and they feel, you  
5 know, confident with everything, then we go forward  
6 with the steps of looking -- going to -- you know,  
7 contacting that individual and letting them know  
8 that they're tentatively being offered the position.  
9 We always say tentative because we -- that's pending  
10 background checks and fingerprinting. Then that --  
11 that process happens where we schedule  
12 fingerprinting and background checks.

13 Once those come back appropriate, they go  
14 straight to RESA. They let me know that we have  
15 gotten those back. And then I contact the candidate  
16 to let them know to they're officially, you know,  
17 employed, that we're -- that we're moving forward  
18 with employment.

19 Of course, all that is still pending board  
20 approval because it still has to go through our 13  
21 superintendents of the 13 districts that we serve  
22 because they still have to approve it. It's board  
23 approval pending.

24 And so once we get full board -- board  
25 approval, then we move forward with scheduling



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1 new-hire orientation and getting started with  
2 those -- with everything that comes next with that.

3 Q Okay. So just going back to the beginning  
4 of the process, you mentioned that you personally  
5 review the applications that come in for staff  
6 vacancies?

7 A Yes.

8 Q Does anyone else review those  
9 applications?

10 A Yes.

11 Q Who else reviews applications?

12 A My coordinator as well.

13 Q And then once you and the coordinator have  
14 reviewed the applications, you schedule interviews?

15 A Correct.

16 Q Do you schedule interviews with everyone  
17 who applies for a staff vacancy?

18 A We do.

19 Q Who participates in those interviews?

20 A Myself, our coordinator, and sometimes the  
21 grade-level chair from the grade level in which that  
22 particular individual is applying for.

23 Q Okay. Anyone else?

24 A No.

25 Q And then who makes the decision after an

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1 interview about whether you want to move forward  
2 with submitting a hiring packet to -- to HR?

3 A Ultimately, I do.

4 Q When you said earlier that you submit the  
5 packet to HR, that's HR for the RESA?

6 A Correct.

7 Q And you said that there is sort of a  
8 formal process for what you called board approval?

9 A Mm-hmm. Yes.

10 Q Is that approval by the RESA's board of  
11 control?

12 A Correct.

13 Q And that's a governing body for the RESA?

14 A Correct.

15 Q Are there any positions on your staff for  
16 which you require approval from anyone other than  
17 the RESA board?

18 A No.

19 MS. WOMACK: Ask the court reporter to  
20 mark this document as Plaintiff's Exhibit 212.

21 (Plaintiff's Exhibit 212 was marked for  
22 identification purposes.)

23 Q (By Ms. Womack) Ms. Ngeve, I am handing  
24 you a document that the court reporter has marked as  
25 Plaintiff's Exhibit 212. This is a document that

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1 portal?

2 A Testing coordinators from the districts if  
3 they need to send something regarding testing that's  
4 confidential. Them as well as Vickie or LaKesha  
5 from the State Department.

6 Q Okay. Anyone else?

7 A No.

8 MS. WOMACK: Okay.

9 Okay. I think we can break for lunch, if  
10 that works for everyone.

11 THE WITNESS: Okay.

12 MR. MURPHY: Okay.

13 THE VIDEOGRAPHER: We are off the record  
14 at 1:28.

15 (Luncheon recess taken.)

16 THE VIDEOGRAPHER: And we are back on the  
17 record at 2:10 p.m.

18 Q (By Ms. Womack) Ms. Ngeve, before we  
19 broke for lunch, we were talking a little bit about  
20 the students at Rutland GNETS Academy. Do you  
21 recall that?

22 A Yes.

23 Q And sort of at the beginning of that  
24 conversation, you started to tell me a little bit  
25 about the referral process and how students come to

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1 be at Rutland GNETS Academy. Do you recall that?

2 A Yes.

3 Q And I believe when you were beginning to  
4 explain that, it sounded like there are sort of two  
5 separate types of forms or documents that you use:  
6 one for students who are being considered for GNETS  
7 services and the other that is more of a  
8 consultative request. Am I summarizing that  
9 accurately?

10 A That's correct.

11 Q Okay. So I want to talk first about that  
12 request for consultative services.

13 MS. WOMACK: I am going to ask the court  
14 reporter to mark this as Plaintiff's Exhibit  
15 221.

16 (Plaintiff's Exhibit 221 was marked for  
17 identification purposes.)

18 Q (By Ms. Womack) Ms. Ngeve, you have been  
19 handed what's been marked as Plaintiff's Exhibit  
20 221. It bears a Bates stamp of Rutland 000297. Do  
21 you recognize this document?

22 A Yes.

23 Q What is this document?

24 A This is a document, GNETS Request for  
25 Consultation. It's a Request for GNETS Consultation

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1 form.

2 Q Did you create this document?

3 A No.

4 Q Who created this document?

5 A GNETS directors, along with the State  
6 Department for GNETS.

7 Q And do you know if this is a document  
8 that's used across various GNETS programs?

9 A Yes.

10 Q How did you -- how did you first receive  
11 copies of this document?

12 A They were sent via email to our former  
13 director, and she shared it with us -- with me.

14 Q Okay. So you first became familiar with  
15 this form through your former director at Rutland  
16 Academy?

17 A Yes.

18 Q And does Rutland Academy use this  
19 document?

20 A Yes.

21 Q And what is the document used for?

22 A It's for -- it's when districts would like  
23 to request for consultative support from Rutland  
24 Academy.

25 Q When districts want to request

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1 document that information, what I saw in the  
2 observation, any new recommendations, any  
3 suggestions for the setting, or anything that might  
4 be helpful for that student in that particular  
5 setting or that classroom structure. And then I  
6 provide that the special ed director and the --  
7 anyone else they designate to have that information,  
8 such as the school administrators.

9 Q Okay. Do you keep -- do you maintain  
10 records at Rutland Academy of each consultation?

11 A Yes.

12 Q Are those records maintained  
13 electronically? in paper form? How is that done?

14 A Both.

15 Q Both. So it's a paper form, and then you  
16 also retain it electronically?

17 A Yes.

18 Q Okay. Are you personally responsible for  
19 maintaining those records?

20 A Myself, as well as our coordinator, yes.

21 Q Okay. On this form in the -- the text box  
22 that appears in the middle, it says, "Please review  
23 the Guiding Questions for Consideration of GNETS  
24 Services as well as the GNETS Services Flow Chart to  
25 assist in appropriate educational planning for the

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1 student." Do you see that?

2 A Yes.

3 Q What are the guiding questions for  
4 consideration of GNETS services?

5 A The guiding questions are in alignment  
6 with the GNETS Board rule that all the GNETS  
7 directors use, we provide to all the LEAs that we  
8 serve when they're considering a student for GNETS  
9 placement.

10 Q So you said the guiding questions are  
11 questions that all of the GNETS directors use?

12 A Yes. They're in alignment with the GNETS  
13 Board rule.

14 Q And when you they're in alignment with the  
15 GNETS Board rule, what do you mean by that?

16 A The GNETS Board rule -- there's questions  
17 that -- that guide decision-making for students, and  
18 it's in alignment with what the GNETS Board rule  
19 indicates.

20 Q And when you say the questions are in  
21 alignment with what the GNETS Board rule indicates,  
22 is it accurate to say that those questions help  
23 ensure that that Board rule is being complied with?

24 A Yes.

25 Q This also references the GNETS services

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1 flow chart. Do you see that?

2 A Yes.

3 Q What is the GNETS services flow chart?

4 A It tell -- it's a flow chart that shows  
5 how students could potentially be -- be considered  
6 for GNETS placement, some of the things that happen  
7 first and some of the things -- different services  
8 that are provided in the districts prior to.

9 Q Okay. And is that flow chart kind of a --  
10 almost like a text road map where, if the answers to  
11 some questions are yes or no, it takes you to  
12 different pathways or conclusions?

13 A Not exactly.

14 Q Okay. How is it set up?

15 A It just kind of indicates, you know, if  
16 the student is coming from this particular type of  
17 setting and they have had some of these type of  
18 services, they may or may not be eligible for --  
19 be -- be someone that you might want to consider for  
20 GNETS placement. Just kind of gives you a guide, an  
21 example.

22 Q Okay. Is the GNETS services flow chart  
23 aligned to the State Board GNETS rule in the same  
24 way that the guiding questions for consideration of  
25 GNETS service are?



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1 A Yes.

2 Q So that GNETS services flow chart also  
3 helps ensure compliance with the State Board GNETS  
4 rule?

5 A Correct, yes.

6 Q Turning to the second page of this  
7 document, which is Bates-stamped Rutland 000298,  
8 this has a section where it says, "Check the  
9 Consultative Services you would like for GNETS to  
10 provide (choose one)." Do you see that?

11 A Yes.

12 Q Are these the only consultative services  
13 that you provide in connection with your role as  
14 director of the Rutland GNETS Academy?

15 A Yes.

16 Q Is there anything else that occurs in the  
17 process by which the school systems that have the  
18 ability to -- to refer students to Rutland  
19 Academy -- is there anything else that occurs in the  
20 process of Rutland Academy providing consultative  
21 services to those school systems that we have not  
22 discussed yet?

23 A Yes, there is -- there -- there are.

24 Q What are those things?

25 A Sometimes a district may want a certain

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1 Q Okay. And to what group of staff or  
2 individuals did you consult on the student  
3 achievement model?

4 A I provided one across districts; so they  
5 came here. So across multiple districts that we  
6 serve, they were able to come for the training. And  
7 I also provided that training for administrators in  
8 Madison County as well.

9 Q Okay. And the training that was provided  
10 here that was for multiple districts -- how many  
11 districts participated in that?

12 A I can't remember the exact number of this  
13 last one.

14 Q Okay. Do you have a rough estimate?

15 A Three to six.

16 Q Okay. All right. So now I want to talk a  
17 little bit about the referral process as it relates  
18 to students who are actually being referred for  
19 consideration of services at Rutland Academy GNETS.  
20 I believe you mentioned earlier that there were some  
21 consideration documents; is that correct?

22 A Yes.

23 Q Tell me a little bit more about those.

24 A There's a consideration student  
25 information packet form that basically indicates,

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1 like, what they're wanting as far as what's going on  
2 with that -- with that student and why they might  
3 feel like GNETS services might be -- might be  
4 helpful for this student at that time.

5 MS. WOMACK: Okay. I'm going to ask the  
6 court reporter to please mark this document as  
7 Plaintiff's Exhibit 222.

8 (Plaintiff's Exhibit 222 was marked for  
9 identification purposes.)

10 Q (By Ms. Womack) Ms. Ngeve, you have been  
11 handed Plaintiff's Exhibit 222, which is a document  
12 Bates-stamped Rutland 000291. The, sort of, title  
13 of this document appears to be "Georgia Network for  
14 Educational and Therapeutic Support Confidential  
15 Student Information Packet." Is this the document  
16 that you were just referring to?

17 A Yes.

18 Q Okay. And so you mentioned that, for a  
19 student who is being referred for consideration of  
20 GNETS services at Rutland Academy, this form would  
21 be completed?

22 A Correct.

23 Q Who would complete this form on behalf of  
24 a student that was being referred for consideration  
25 of GNETS services?

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1 A It depends. It could be -- it depends.

2 Q What are the -- what are the options for  
3 who might complete this packet on behalf of a  
4 student?

5 A It might be the special education director  
6 or the special education coordinator, the  
7 administrator in conjunction with the special  
8 education director or coordinator. It could be the  
9 behavioral support person in conjunction with the  
10 LEA, the -- sorry -- special ed director and the  
11 caseload manager. It could be multiple people on  
12 the IEP team that are within the school and even  
13 including with the parent that might be providing  
14 some information for it. So it just depends.

15 Q So would it be fair to say that this  
16 packet would be completed by someone affiliated with  
17 the referring school system?

18 A Yes.

19 Q Okay. This packet is not completed by  
20 Rutland?

21 A No.

22 Q Once this packet is completed, what  
23 happens next?

24 A Once it's completed, they send the  
25 information to me; and then I review the packet.

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1 Q Okay. And when you review the packet,  
2 what do you review the packet for?

3 A To make sure that all the components of  
4 the packet are -- are there, using the guiding  
5 questions to make sure that everything that should  
6 be there is there.

7 Q Okay. So the guiding questions are the  
8 guiding questions for consideration of GNETS  
9 services that we talked about already?

10 A Correct.

11 Q Okay. And those guiding questions for  
12 consideration of GNETS services tell you what the  
13 required components are of the packet that should be  
14 there?

15 A Yes.

16 Q Okay. Once you have reviewed the packet  
17 to determine whether all of the required components  
18 are there, what do you do after that?

19 A I communicate with the special education  
20 director or coordinator to let them know either I  
21 have everything that -- that we're -- that we're  
22 supposed to have in the packet or we're missing some  
23 additional documents, and I ask for those documents.

24 Q Okay. Once you have done that, what  
25 happens after that?

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1 Q Did you create this confidential student  
2 information packet?

3 A No.

4 Q Who created it?

5 A The State Department in conjunction with  
6 some special -- some of the GNETS directors.

7 Q And how did you come into possession of  
8 copies of this confidential student information  
9 packet?

10 A Initially through my former director.

11 Q Okay. So you received this confidential  
12 student information packet through your former  
13 director, just like you received the request for  
14 consultation document through your former director?

15 A Correct.

16 Q Tell me a bit more about what happens in  
17 the IEP meeting where consideration of GNETS  
18 services is discussed for a student.

19 A Are you wanting to -- are you asking about  
20 just the general consist of what happens in those  
21 meetings, or are you asking about something specific  
22 in the meetings?

23 Q Just generally, how does the meeting  
24 proceed? Who else is in attendance? What occurs?

25 A Well, to begin with, introductions; and

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1 for Rutland Academy?

2 A Correct.

3 Q Did that student at some later time end up  
4 coming to Rutland Academy?

5 A No.

6 MS. WOMACK: I am going to ask the court  
7 reporter to please mark this document as  
8 Plaintiff's Exhibit 223.

9 (Plaintiff's Exhibit 223 was marked for  
10 identification purposes.)

11 Q (By Ms. Womack) Ms. Ngeve, you have been  
12 handed what's been marked as Plaintiff's Exhibit  
13 223. This is a document Bates-stamped Rutland  
14 000299. It's titled "GNETS Services Flow Chart."  
15 Do you recognize this document?

16 A Yes.

17 Q Is this the GNETS services flow chart that  
18 we have been discussing today?

19 A Yes.

20 Q Did you create this flow chart?

21 A No.

22 Q Who created this flow chart?

23 A Some -- some of the GNETS directors, in  
24 addition to the State Department for GNETS.

25 Q And did you first come into possession of

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1 this GNETS services flow chart in the same way that  
2 you came into possession of the confidential student  
3 information packet and the request for consultation?

4 A Yes.

5 Q And that's from your former director?

6 A Correct.

7 Q Do you use this document?

8 A Yes.

9 Q And how do you use this document?

10 A To ensure that whenever -- to make sure  
11 that I'm looking -- I'm constantly, you know,  
12 following the process in which it should be followed  
13 and making sure -- and I also present it to our  
14 special education directors and coordinators at the  
15 beginning of the school year each year. And  
16 sometimes if there is a new -- there's new directors  
17 that come on, I make sure they have a copy of it as  
18 well as everyone else from, you know, all the 13  
19 school districts, the LEAs.

20 Q Okay. And when you say you use this  
21 document to follow the process as it should be  
22 followed --

23 A Yes.

24 Q -- what is the basis for how the process  
25 should be followed? Where does that come from?



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1 A Where does the basis come from?

2 Q Yeah. When you say this is to ensure that  
3 you're following the process as it should be  
4 followed, I'm just wondering what is -- who sets the  
5 standard for how the process should be followed?

6 A The board rule from the State Department.

7 Q Okay. So this is aligned to the State  
8 Board GNETS rule as well?

9 A Correct.

10 Q Okay. So looking at the top of this  
11 document, in the sort of top text box, it says, "A  
12 student currently being served in SPED has behavior  
13 problems at their school and it is believed GNETS  
14 may be an option." Do you see that?

15 A Yes.

16 Q And "served in SPED" -- does that mean  
17 served in special education?

18 A Yes.

19 Q And then this goes on to say, "GNETS  
20 services are only for students served in SPED."  
21 And, again, SPED meaning special education?

22 A Correct.

23 Q What is the basis for this statement that  
24 GNETS services are only for students served in  
25 special education?

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1 it's a phone call that starts it, where the parent  
2 calls and says, hey, we're moving here and our kid  
3 will be going to this school.

4 If they call us, we contact the district. We  
5 say, okay, "What district are you moving to?" And  
6 if they contact the district, then the district  
7 tries to figure out, okay, what day are you going to  
8 be here so we can go ahead and get that student  
9 enrolled in school.

10 Q Okay.

11 MS. WOMACK: I am going to ask the court  
12 reporter to please mark this document as  
13 Plaintiff's Exhibit 224.

14 (Plaintiff's Exhibit 224 was marked for  
15 identification purposes.)

16 THE WITNESS: Thank you.

17 Q (By Ms. Womack) Ms. Ngeve, you have been  
18 handed what is marked as Plaintiff's Exhibit 224.  
19 This is a document, bears the Bates stamp  
20 GA00354672. It is an email from you to Vickie  
21 Cleveland dated October 25th, 2019, with the subject  
22 "Re: J. Brown." Do you recognize this document?

23 A Yes.

24 Q This is an email thread between you and  
25 Vickie Cleveland; is that correct?

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1 A Yes.

2 Q I will just note for you that on the  
3 second page of this document we have redacted the  
4 student's first name, where it has appeared, for  
5 confidentiality purposes.

6 A Yes.

7 Q If you look towards the bottom of the  
8 first page, do you see the email that you sent to  
9 Vickie Cleveland and LaKesha Stevenson on October  
10 17, 2019?

11 A Yes.

12 Q And in this email you say, "Clarke has a  
13 kiddo that is returning from YDC. He previously  
14 attended Rutland before going to YDC, though his  
15 behaviors were more conduct in nature. Either way,  
16 I know he'd return here when coming back from YDC as  
17 we were the last placement prior to YDC. Mom  
18 doesn't want him to return to Rutland. I want to  
19 double check just for my own clarity. If mom  
20 decides she doesn't want him to return here, won't  
21 her parent rights override Clarke wanting him to  
22 return here? I noticed in the verbiage that one of  
23 the Clarke coordinators sent (below) that she is  
24 telling the DHS case manager that the student has to  
25 return to Rutland, yet I was thinking that if mom

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1 doesn't agree to placement, when we meet, the  
2 district has to support him in another way. Is this  
3 correct? Again, I'm seeking clarity to make sure I  
4 am adequately prepared for the meeting."

5 Have I read your email to Ms. Cleveland and --  
6 and Ms. Stevenson accurately?

7 A Yes.

8 Q What is YDC?

9 A Youth detention center.

10 Q Okay. And Clarke County is one of the  
11 school systems that Rutland Academy and GNETS  
12 program serves; is that right?

13 A Yes.

14 Q And so am I correct in understanding from  
15 this email that here you are reaching out to  
16 Ms. Cleveland and Ms. Stevenson because you  
17 understand that one of the Clarke County special  
18 education coordinators is saying that the student at  
19 issue here must be placed at Rutland despite the  
20 student's mom not wanting him to be placed there?

21 A Correct.

22 Q Were you looking for Ms. Cleveland and  
23 Ms. Stevenson to clarify whether the Clarke County  
24 special education coordinator was correct?

25 A Yes.

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1 A Yes, I know.

2 Q And what happened to the student after  
3 they were released from YDC?

4 A They didn't come to Rutland. They didn't  
5 go back to their home setting; so it ended up being  
6 a DFCS situation. But they went to another  
7 location. I'm not sure what happened.

8 Q Okay. So that student did not come to  
9 Rutland, and the student also did not go back to  
10 Clarke County?

11 A As I recall, correct.

12 Q Okay.

13 MS. WOMACK: I would like to hand the  
14 court reporter what I would like to have marked  
15 as Plaintiff's Exhibit 225.

16 (Plaintiff's Exhibit 225 was marked for  
17 identification purposes, later correctly marked  
18 as Plaintiff's Exhibit 199.)

19 THE WITNESS: Thank you.

20 MS. WOMACK: Actually, I need to correct  
21 the record. I apologize. This document has  
22 previously been marked as Plaintiff's Exhibit  
23 199. That deposition occurred so close in time  
24 to this that there is no stamped exhibit; so we  
25 can correct the markings on that document.

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1 THE WITNESS: Do you want me to hand it  
2 back?

3 Q (By Ms. Womack) No. You can -- you can  
4 hang on to it for now, and we will make sure that we  
5 correct it at the end of the deposition.

6 That document bears a sort of unique numerical  
7 identifier at the bottom that is 000361. Ms. Ngeve,  
8 are you familiar with this document?

9 A Yes.

10 Q Is this the Guiding Questions for  
11 Considering of GNETS Services that has come up  
12 multiple times in our conversation today?

13 A Yes.

14 Q Does Rutland Academy use these Guiding  
15 Questions for Consideration of GNETS Services  
16 document?

17 A Yes.

18 Q And tell me how Rutland uses this  
19 document.

20 A One way is I provide it to all the G --  
21 all the special education directors and coordinators  
22 to make sure they have all the information so they  
23 can actually use this form prior to submitting a  
24 packet to make sure they have all the information  
25 together.

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1           Then the second thing I do with it is I use it  
2 whenever a packet is sent in to me, a student  
3 information packet is sent in to me, and I actually  
4 use it to -- to indicate if everything is there  
5 according to the guiding questions.

6           Q       Okay. And am I remembering correctly that  
7 you told me earlier that this document is aligned to  
8 the State Board of Education GNETS rule?

9           A       Correct.

10          Q       And so when you're using this document to  
11 make sure that everything that's supposed to be in  
12 the confidential student information packet is  
13 there, you're doing that to ensure that you are  
14 complying with the State Board of Education GNETS  
15 rule?

16          A       Correct.

17          Q       Did you create this document?

18          A       No.

19          Q       Who created this document?

20          A       The State Department for GNETS as well as  
21 some -- some of the GNETS directors.

22          Q       Is it your understanding that other GNETS  
23 programs use this same document?

24          A       Yes. All.

25          Q       All of them?

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1 A All use it, yes.

2 Q Okay. Does Rutland Academy keep records  
3 of what students are referred to its GNETS program  
4 and what the outcomes of those referrals are?

5 A Yes.

6 Q How does Rutland keep those records?

7 A We have a referral tracking notebook where  
8 we actually indicate whenever a file comes in, and  
9 then we go back and indicate if the student was  
10 placed or if they were not placed.

11 Q Okay. Do you maintain those record  
12 logbooks, you know, kind of on a longer-term basis?

13 A Yes.

14 Q And how do you maintain them?

15 A We keep them locked in our -- in our  
16 intake office with all the documentation.

17 Q Are those records maintained in paper  
18 form?

19 A Excuse me. Yes.

20 Q Do you maintain them in any form other  
21 than paper?

22 A Sometimes. It depends on how it was  
23 submitted. If it was submitted to us  
24 electronically, then we may save it on -- we  
25 previously saved it on our shared server under



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1 reach out to the State Department of Education, who  
2 specifically do you reach out to?

3 A Vickie Cleveland or LaKesha Stevenson.

4 Q Okay. It sounds like many of the kinds of  
5 questions that you reach out to Ms. Cleveland or  
6 Ms. Stevenson for are when you are unsure about  
7 certain things and you're looking for clarification;  
8 is that fair?

9 A Yes, that's fair.

10 Q And why do you reach out to  
11 Ms. Cleveland -- Ms. Cleveland or Ms. Stevenson?  
12 Why those two individuals?

13 A Since they are the program, you know,  
14 director and coordinator for GNETS and they -- they  
15 often will -- you know, they just -- I just feel  
16 like they have great wisdom, and I want to make sure  
17 that is there any recommendations or something else  
18 I can be doing differently to support our districts  
19 because I want to make sure we're supporting them  
20 and providing them with all that they need, so --

21 Q Are Ms. Cleveland and Ms. Stevenson  
22 generally responsive to your requests?

23 A Oh, yes.

24 MS. WOMACK: I would like to have this  
25 document marked as Plaintiff's Exhibit 226.

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1 (Plaintiff's Exhibit 226 was marked for  
2 identification purposes.)

3 Q (By Ms. Womack) Ms. Ngeve, you have been  
4 handed what has been marked as Plaintiff's Exhibit  
5 226. This is a document Bates-stamped GA00356905.  
6 It's an email from you to Vickie Cleveland dated  
7 January 3rd, 2020. The subject is "Chat?" Do you  
8 recognize this document?

9 A Yes.

10 Q Is this an email that you sent to Vickie  
11 Cleveland?

12 A Yes.

13 Q And is this an example of what we were  
14 just discussing, you reaching out to Ms. Cleveland  
15 to discuss a student that a district wants to send  
16 to Rutland?

17 A Yes.

18 Q Do you recall what this email -- the  
19 situation that this email related to?

20 A No.

21 Q Okay. Once a student arrives at Rutland  
22 Academy, are they given any assessments to determine  
23 where they are, either behavior -- behaviorally or  
24 academically?

25 A Yes.

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1 Q Okay. And who made the decision that  
2 students would be assessed academically using  
3 i-Ready?

4 A i-Ready is from the State Department.  
5 We all -- all the GNETS use i-Ready, but then I, you  
6 know, make sure that we're doing that as well.

7 Q Okay. And when you say it's from the  
8 State Department that all the GNETS programs use  
9 that, you're saying that i-Ready is something that  
10 the State Department has indicated that -- that all  
11 the GNETS programs should use?

12 A Yes.

13 Q Okay. And then you reinforce that by  
14 making sure that it's actually implemented?

15 A Correct, yes.

16 Q What about the Wilson reading assessment?  
17 Who made the decision that that would be used as an  
18 assessment?

19 A Myself, along with our reading specialist  
20 from RESA. She provided that training to our  
21 teachers, and she always provides it to any new  
22 teachers that might be teaching reading. So she  
23 kind of helped us really increase our rigor with  
24 making sure that reading was a primary focus after  
25 looking at data across time and realizing that that

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1 A Yes.

2 Q And what is that process?

3 A It is determined by, of course, the number  
4 of enrollment as far as every so many years they  
5 look at the number of enrollment, but also the  
6 districts collaborate on the budget and how --  
7 what's in our -- how the budget is being used, how  
8 much is -- how many teacher allotments and staff  
9 allotments are needed and things of that nature,  
10 along with human resources and our finance people  
11 from RESA.

12 Q And you have mentioned several times  
13 during our conversation today a GNETS grant  
14 application?

15 A Yes.

16 Q What is the GNETS grant application?

17 A It's an application we have to submit  
18 annually to the State Department regarding how our  
19 program has ran and everything that's needed -- that  
20 we did within the school year, should I say, as far  
21 as how many staff, the staffing pattern, the number  
22 of students receiving mental health support, number  
23 of students that -- I think it includes the number  
24 of students that transitioned. There's several  
25 different things that are included in that. But

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1 really how the program -- everything about the  
2 program from that particular year. That's for the  
3 GNETS grant.

4 Q And when you're providing that information  
5 in connection with the GNETS grant, what is the  
6 purpose of you providing that information? What are  
7 you looking for?

8 A That's to -- for budget -- for budget  
9 purpose for the -- from what I understand, from the  
10 State Department to determine the amount of the  
11 budget, the specifics -- the specific needs and what  
12 have we -- have we done in -- in -- in alignment  
13 with the -- the GNETS Board rule as far as what we  
14 should be providing to students and supports and  
15 making sure that everything is being done  
16 appropriately, you know, for the students and the  
17 school, whatever is related to the budget.

18 Q And then once the State Department  
19 receives that grant application with all of that  
20 information, then decisions are made about the  
21 amount of money that Rutland Academy will get from  
22 the State Department? Is that -- am I understanding  
23 that correctly?

24 A Yes.

25 THE VIDEOGRAPHER: We're coming up on

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1 A Yes.

2 Q And so what does that mean?

3 A That it's a state grant that provides our  
4 social worker.

5 Q Okay. And moving down, if you look at --  
6 there's a line for GNETS teacher on this very same  
7 page. Do you see that?

8 A Yes.

9 Q And then under "State Grant" for that  
10 GNETS Teacher category, it says "7." Do you see  
11 that?

12 A Yes.

13 Q What does that mean?

14 A That they're funded from the state grant.

15 Q If you turn over to the very next page, do  
16 you see at the very bottom, it says "Grant Total"?

17 A Yes.

18 Q So this identifies the total number of  
19 Rutland staff?

20 A According to this, yes.

21 Q And does this indicate that all 32 of  
22 those staff are funded by the state grant?

23 A Yes, according to this document, yes.

24 Q Do you have any reason to believe that  
25 this document is inaccurate?

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1 A No.

2 Q Do all of the staff members at Rutland  
3 Academy continue to be funded through the state  
4 grant?

5 A I'm unsure of exactly how the funding  
6 sources are exactly for each position.

7 Q Okay.

8 A Other than the contract employees.

9 Q Okay.

10 MS. WOMACK: I would like to have the  
11 court reporter mark this document as  
12 Plaintiff's Exhibit 230.

13 (Plaintiff's Exhibit 230 was marked for  
14 identification purposes.)

15 THE WITNESS: Thank you.

16 Q (By Ms. Womack) Ms. Ngeve, you have been  
17 handed what has been marked as Plaintiff's Exhibit  
18 230. This is a document bearing the Bates stamp  
19 GA01075799. The top of this document is an email  
20 from you to Vickie Cleveland. The subject is  
21 "Forward: FY21 Preliminary GNETS State and Federal  
22 Grant Allocations."

23 And this document indicates that there are two  
24 attachments, the first of which is a PDF titled  
25 "FY21 Preliminary GNETS State and Federal

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1 Q And is that the GNETS strategic plan?

2 A Yes.

3 Q Who drafted the GNETS strategic plan?

4 A The State Department in addition to some  
5 of the GNETS directors had input on it as well.

6 Q And I believe you mentioned earlier that  
7 there are six components of the GNETS strategic  
8 plan; is that right?

9 A Yes.

10 Q Is there any part of the strategic plan  
11 that contains goals for the reduction of segregated  
12 placements?

13 A That wording is not familiar to me.

14 Q Okay. Is the Rutland Academy GNETS  
15 program obligated to comply with the GNETS strategic  
16 plan?

17 A Yes.

18 Q And just sort of from a very big picture  
19 level, how does Rutland comply with the strategic  
20 plan? What is that process?

21 A We're ensuring that each of the components  
22 are being implemented with fidelity, and we're also  
23 keeping the data on those particular -- each -- each  
24 of the six parts of the strategic plan. And we're  
25 meeting as a leadership team to discuss those. We



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1 discuss those components during staff meetings as  
2 well. And I also share that information with our  
3 LEAs when I -- when I meet monthly for LSEAC.

4 Q Does Rutland have to report information  
5 about its implementation of those six components of  
6 the GNETS strategic plan?

7 A Yes.

8 Q And who is that information reported to?

9 A Vickie and LaKesha. Vickie Cleveland and  
10 LaKesha Stevenson.

11 Q Are there standardized categories of  
12 information within that that have to be reported?

13 A Each of the categories have to be -- have  
14 to be -- be reported or shared.

15 Q Okay. And who establishes what  
16 information within those categories have to be  
17 reported or shared?

18 A LaKesha and Vickie -- LaKesha Stevenson  
19 and Vickie Cleveland send the information out to us  
20 as far as who is going to -- what information has to  
21 be in each of those areas.

22 But it also goes back to the strategic plan  
23 specifically based on what the input was from some  
24 of the GNETS directors as well as them -- as far as  
25 what goes in each category is filled out on there,

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1 as far as how we -- like, we have done with each one  
2 of those.

3 Q Okay. So the leadership team and the  
4 staff -- you all rate yourselves initially?

5 A Correct. Based on the strategic plan.

6 Q Okay. Is there any process by which those  
7 self-ratings are then reviewed by anyone else?

8 A Yes.

9 Q And what is that process?

10 A If it's -- if it's our year to have a --  
11 to do a strategic plan in person where they're  
12 coming to monitor ours -- because it rotates as far  
13 as, if you're a new director, you have certain --  
14 certain number of years that you're -- you're  
15 definitely going to be -- get the site visit where  
16 they're going to come and actually review the  
17 strategic plan with you; so they go through all the  
18 documents at that time.

19 Q When you say they are going to come and  
20 they go through documents at that time, who is  
21 "they"?

22 A Vickie Cleveland and LaKesha Stevenson.  
23 And sometimes it's one or the other.

24 Q Okay. And so there are some years where  
25 Rutland will have an in-person visit --

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1 A Correct.

2 Q -- from Ms. Cleveland or Ms. Stevenson --

3 A Correct.

4 Q -- to review your self-ratings on the  
5 self-assessment?

6 A Yes. As well as the artifacts for the  
7 strategic plan.

8 Q And when you say the artifacts for the  
9 strategic plan, is that documentation showing  
10 whether you have complied with those six components  
11 of the strategic plan?

12 A Yes.

13 Q And so Ms. Cleveland and Ms. Stevenson, if  
14 they come on-site, then, will review those  
15 artifacts? Am I understanding that right?

16 A Yes.

17 Q Who participates in that on-site review  
18 with Ms. Cleveland and Ms. Stevenson when they come  
19 for Rutland? Who from Rutland participates in that?

20 A Members of the leadership team.

21 Q And so if I -- if I remember correctly,  
22 that's you and your coordinator; correct?

23 A We're part of the leadership team, yes.

24 Q And the leadership team also includes the  
25 intensive interventionist?

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1 A Correct.

2 Q I believe there is one more member of the  
3 leadership team. Am I missing someone?

4 A There's grade-level chairs as well as the  
5 social worker.

6 Q Okay. So all of those individuals would  
7 participate in the on-site review with Ms. Cleveland  
8 and Ms. Stevenson?

9 A Not all. It just depends on what time  
10 period and if the teachers can be out of the  
11 classroom.

12 Q Okay. Would you participate in that  
13 on-site review --

14 A Yes.

15 Q -- with Ms. Cleveland and Ms. Stevenson?

16 A Yes.

17 Q In all aspects of that?

18 A Yes.

19 Q Do Ms. Cleveland and Ms. Stevenson ask  
20 questions of you or your leadership team when they  
21 are present for an on-site as part of the GNETS  
22 strategic plan process?

23 A Yes.

24 Q Do they ever request that Rutland provide  
25 additional artifacts beyond those that Rutland may

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1 have already collected?

2 A Yes.

3 Q Does Rutland collect that information and  
4 provide it when requested?

5 A Yes.

6 Q Does anything -- apart from what we have  
7 already discussed in terms of meetings and  
8 discussions and the review of artifacts when  
9 Ms. Cleveland or Ms. Stevenson come for an on-site  
10 review, what else do Ms. Cleveland or Ms. Stevenson  
11 do when they're here for an on-site review?

12 A They take a tour of the school. They  
13 see the -- they see the classrooms. They see how  
14 students are responding to things that are -- that  
15 are going on in the school. They just take a tour  
16 and, you know, get an idea, you know, of what's  
17 really happening, the climate and culture of the  
18 school, of -- of Rutland Academy.

19 Q Do they sit in and -- and conduct  
20 classroom observations?

21 A No.

22 Q They just tour the actual facility?

23 A Correct. During the site -- during the  
24 strategic plan review, they will just tour --

25 Q Okay.

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1 sentence in the first paragraph, it says, "GaDOE  
2 developed and provided a rubric and guidance to  
3 assess how well each component of the plan was  
4 implemented in FY20." Do you see that?

5 A Yes.

6 Q Did you receive the rubric and guidance  
7 that's mentioned here?

8 A Yes.

9 Q Who did you get that rubric and guidance  
10 from?

11 A I believe it was from Vickie Cleveland.

12 Q Did you use that rubric and guidance in  
13 self-assessing how well each component of the GNETS  
14 strategic plan was implemented at Rutland in FY20?

15 A Yes.

16 Q Okay. Moving on to Plaintiff's Exhibit  
17 235, do you recognize this document, Ms. Ngeve?

18 A Yes.

19 Q What is this document?

20 A The results -- our strategic plan results  
21 on the rubric in 2020.

22 Q Okay. Do these ratings reflect the final  
23 ratings for the Rutland Academy GNETS program after  
24 any strategic plan review with the State Department  
25 of Education?

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1 A Yes.

2 Q Am I correct that in the strategic plan  
3 results, Rutland was rated "Operational" in all  
4 areas except for one?

5 A Correct.

6 Q What was the area where Rutland was not  
7 rated "Operational"?

8 A In transitioning from GNETS services.

9 Q And what does "transitioning from GNETS  
10 services" mean?

11 A Being -- going back to traditional school  
12 settings as far as in that particular setting,  
13 just -- like, how students transition back to their  
14 traditional school settings.

15 Q Okay. What was Rutland rated in that  
16 area?

17 A "Emerging."

18 Q What was the basis for the "Emerging"  
19 rating for transition from GNETS services?

20 A It indicated that some of our activities  
21 that were required were accomplished consistently  
22 with sources of evidence to support implementation  
23 for this action item. However, the feedback that we  
24 also got was that they're interested in us working  
25 with the districts to see if there are going to be

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1 more -- like, any site locations in the districts so  
2 that, when students leave our setting, that they go  
3 back into potentially a GNETS-type classroom within  
4 the school systems.

5 Q Okay. And when you say "they," who are  
6 you referring to?

7 A Ms. Cleveland and Ms. Stevenson.

8 Q Okay. When did Rutland last receive  
9 strategic plan results? What was the most recent  
10 year?

11 A I believe -- I believe this was our most  
12 recent one, because COVID happened the next school  
13 year. I believe, if I'm not mistaken, that this was  
14 the most recent.

15 Q Okay. When there is not an on-site review  
16 with the Georgia Department of Education, is there  
17 any sort of virtual meeting or review that you have  
18 with Ms. Cleveland or Ms. Stevenson?

19 A Some GNETS, yes.

20 Q And what about Rutland?

21 A We didn't have a virtual one for the  
22 following year.

23 Q Okay. Did you -- for those years when you  
24 didn't have a virtual review, did you still complete  
25 the strategic plan self-assessment process?



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1 changed to the "Rutland Collaborative Council"?

2 A Correct.

3 MS. WOMACK: I would like to have this  
4 document marked as Plaintiff's Exhibit 238.

5 (Plaintiff's Exhibit 238 was marked for  
6 identification purposes.)

7 THE WITNESS: Thank you.

8 Q (By Ms. Womack) Ms. Ngeve, you have been  
9 handed what's been marked as Plaintiff's Exhibit  
10 238. This is a document bearing the Bates stamp  
11 Rutland 000090. Do you recognize this document?

12 A Yes.

13 Q What is this?

14 A It's a Rutland advisory meeting minutes.

15 Q And these are -- well, what is the date of  
16 the advisory meeting for which these are meeting  
17 minutes?

18 A 5/15/19.

19 Q And is this meeting a meeting of the same  
20 advisory board that was the subject of the meeting  
21 with Ms. Cleveland and Keith Everson and Suzanne  
22 Korngold that we just discussed?

23 A Yes.

24 Q If you look a third to a half of the way  
25 down this first page, do you see where it says,

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1 "Strategic plan was a success - won't get scores  
2 until June"?

3 A Yes.

4 Q It then says, "The audit is complete and  
5 they chose files at random. For the most part the  
6 audit went well." Do you see that?

7 A Yes.

8 Q What audit does this refer to?

9 A It was the review. It was the -- it was  
10 the strategic plan review.

11 Q And that's a review conducted by the  
12 Georgia Department of Education?

13 A Yes.

14 Q This goes on to say, "The DOE found a  
15 couple of situations that they had questions about  
16 but for the most part we are following policy and  
17 procedure." Do you see that?

18 A Yes.

19 Q Was the State DOE looking for compliance  
20 with policy and procedure in the audit that's  
21 referenced here?

22 A Yes. That's in the strategic plan review.

23 Q Moving down a couple more bullet points,  
24 do you see where it says, "Districts must  
25 communicate to our schools and teachers that when a

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1 A This is a Rutland -- the Rutland Academy  
2 update for LSEAC for January 24th, 2020.

3 Q Okay. Can you turn to the second page of  
4 this?

5 A Yes.

6 Q Under "Student Partial Transitions-  
7 Reintegration to Home District" -- do you see that  
8 section?

9 A Yes.

10 Q And it says, "Currently there is 1 student  
11 on a partial transition"?

12 A Yes.

13 Q Do you know if that student ever  
14 transitioned fully back to their home school system?

15 A Yes, the student did.

16 Q Is this also an update that you prepared  
17 yourself?

18 A Yes.

19 MS. WOMACK: Okay. I would like to have  
20 this document marked as Plaintiff's Exhibit  
21 241.

22 (Plaintiff's Exhibit 241 was marked for  
23 identification purposes.)

24 THE WITNESS: Thank you.

25 Q (By Ms. Womack) Ms. Ngeve, you have been

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1 handed what's been marked as Plaintiff's Exhibit  
2 241. This is a document Bates-stamped Rutland  
3 000002.

4 A Yes.

5 Q Do you recognize this document?

6 A Yes.

7 Q What is this?

8 A This is an update that was provided for  
9 the Board of Control.

10 Q And what is the Board of Control?

11 A Those are the 13 superintendents that are  
12 the Board of Control for the Northeast Georgia RESA.

13 Q And is that the governing body for  
14 Northeast Georgia RESA?

15 A It is.

16 Q Did you prepare this document?

17 A I did.

18 Q Did you routinely prepare Rutland Academy  
19 updates for the Board of Control?

20 A As requested.

21 Q Okay. So this would have been prepared in  
22 response to a specific request by the Board of  
23 Control?

24 A A request from our former executive  
25 director as he was preparing to meet with the Board

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1 of Control for the beginning of the school year.

2 Q Okay. And this update provides, on the  
3 second page, a snapshot of Rutland staffing as of  
4 the time of the update; is that right?

5 A That's correct.

6 Q If you turn to the second-to-last page, do  
7 you see the section entitled "Referral Process"?

8 A Yes.

9 Q In this first bullet point, it says,  
10 "Celest and Latoya vet the referrals with the  
11 Guidance for GNETS Placement standardized questions  
12 and provide districts with feedback before  
13 scheduling an IEP meeting. If the team at Rutland  
14 feels the review needs to be expanded, the  
15 Collaborative Council can assist as needed. Set  
16 criteria for referral packet must be followed."

17 Do you see that?

18 A Yes.

19 Q This initial vetting -- is this the  
20 process that we discussed earlier that you go  
21 through when students are referred to Rutland  
22 Academy for consideration of GNETS services?

23 A Yes.

24 Q What does it mean when this says, "If the  
25 team at Rutland feels the review needs to be

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1 expanded, the Collaborative Counsel can assist as  
2 needed"?

3 A If we feel like there is additional --  
4 additional supports that might be needed -- needed  
5 for that particular student or that particular  
6 teacher, that particular school, the Collaborative  
7 Council may have some suggestions, if it's for that  
8 particular district or even if it's for another  
9 district, of ways that we can possibly provide  
10 support or ways that may have been helpful for their  
11 teachers to get support when there may not have been  
12 all the pieces that are in the referral that were  
13 there.

14 Q And then this says, "Set criteria for  
15 referral packet must be followed." Do you see that?

16 A Yes.

17 Q What is that set criteria?

18 A The criteria from the GNETS Board rule as  
19 far as the consideration, the student information  
20 packet, as well as a consultation. Like, we have to  
21 follow what's in alignment with the board rule for  
22 those documents.

23 Q Okay.

24 MS. WOMACK: I would like to have this  
25 document marked as Plaintiff's Exhibit 242.

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1 after the site visits?

2 A No.

3 Q Did you have any conversations after the  
4 site visits with anyone from the Georgia Department  
5 of Education or any of the other GNETS directors?

6 A Not any of the -- any of the attorneys  
7 representing Georgia. But some of the GNETS  
8 directors did talk about -- we talked about our --  
9 like, that we had the site visits and how long they  
10 lasted and things of that nature, so yes.

11 Q Okay. Are you familiar with the Apex  
12 program?

13 A I'm not.

14 Q Okay. And I think one final question.  
15 You mentioned i-Ready earlier. Is Rutland required  
16 to use i-Ready for a specific number of minutes each  
17 week?

18 A Yes.

19 (Alarm sounding.)

20 Q (By Ms. Womack) How many minutes is that?

21 A Ninety.

22 Q Okay. And where does that requirement  
23 come from?

24 A The State Department says 45 minutes, ELA;  
25 45 minutes, math.